

15-9260 DEAN V. UNITED STATES

DECISION BELOW: 810 F.3d 521

LOWER COURT CASE NUMBER: 15-1263

QUESTION PRESENTED:

(1) Whether a defendant can be convicted of a Hobbs Act robbery pursuant to 18 U.S.C. § 1951 when the evidence submitted to the jury disclosed the victim was not involved in drug distribution effecting commerce during the time of the robbery nor was there any intent to rob a "drug dealer" by the defendant.

(2) Whether, *Pepper v. United States*, 562 U.S. 476, 131 s. Ct. 1229, 179 l. Ed. 2d 196 (2011) overruled *United States v. Hatcher*, 501 f.3d 931 (8th cir. 2007) and related opinions from the Eighth Circuit Court of Appeals to the extent those opinions limit the district court's discretion to consider the mandatory consecutive sentence or sentences under 18 U.S.C. § 924(c) in determining the appropriate sentence for the felony serving as the basis for the 18 U.S.C. § 924 (c) convictions.

GRANTED LIMITED TO QUESTION 2 PRESENTED BY THE PETITION.

CERT. GRANTED 10/28/2016